

Application No. 09/994,492  
Amendment dated June 9, 2003  
Reply to Office Action of March 7, 2003

### **REMARKS**

Claims 1- 42 are pending in the application. The Examiner rejected Claims 1, and 4-7 and objected to Claims 2 and 3. Claims 8-18 have been allowed. Claims 19-42 are added by the current amendment.

#### **Claim Rejections – 35 U.S.C. §102**

Responsive to the Examiner's 35 U.S.C. §102(b) rejection of Claims 1, and 4-7, Applicant has amended Claim 1 to include the recitation that the blade is recessed from the spacer means. Applicant respectfully submits that U.S. Patent No. 5,135,528 to Winston does not disclose a ligament cutter including a head having a distal end with a blade and spacer means connected to the head, with the blade recessed from the spacer means as called for in Claim 1, as amended. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of Claim 1, and Claims 4-7 depending therefrom.

#### **New Claims**

Independent Claims 19, 24, 28, and 36 are added by the current amendment. New Claim 19 calls for a ligament cutter including a pair of joint spacers and a blade spanning the pair of joint spacers. New Independent Claim 24 calls for a ligament cutter including a head having a distal end with a blade and a joint spacer extending distally from the distal end of the head. New Independent Claim 28 calls for a ligament cutter including a head having a curvature in a plane transverse the blade formed on a distal end of the head. New Independent Claim 37 calls for a ligament cutter including a head having a radius of curvature whereby the head can be positioned intermediate a ball and a socket of a ball and socket joint. Applicant respectfully submits that the prior art does not disclose a ligament cutter as called for in these new independent claims.

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**Allowable Subject Matter**

Applicant appreciates the Examiner's indication that Claims 7-18 are allowed.

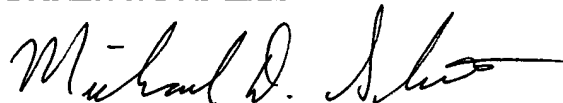
It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicant respectfully submits that the current application is in condition for allowance and such action is earnestly solicited.

In the event Applicant has overlooked the need for an extension of time or payment of fee, Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0385, BAKER & DANIELS.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 219/424-8000.

Respectfully submitted,

BAKER & DANIELS



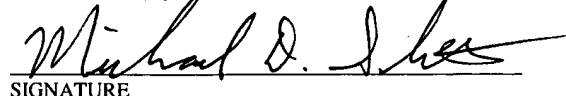
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June 9, 2003  
DATE